

Docket No.: 1793.1211

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Jae-seong SHIM et al.

Application No. 10/791,268

Group Art Unit: 2133

Confirmation No. 8944

Filed: March 3, 2004

Examiner: Shelly A. Chase

For: DATA MODULATION METHOD AND APPARATUS CAPABLE OF SUPPRESSING DC  
COMPONENT USING PARITY INFORMATION OF SYNCHRONIZATION CODEWORD

**COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed May 21, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner asserts that the following is a Statement of Reasons

for Allowance: "the present invention is directed to a modulation method and a modulation apparatus that includes the step of 'inserting a synchronization codeword including the multiplexing information for a multiplexed data stream, and performing data modulation and outputting plural modulated data stream.'"

Firstly, the phrase "the step of" is not recited in any of the claims.

Further, the term "inserting" is used only in the method claims, not in the apparatus claims.

Still further, independent claims 21 and 30-33 have different recitations from that in the quotes which the Examiner asserted were the statement of reasons for allowance.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.


It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: 8/17/07

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